

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	WC Docket Nos. 03-109, 07-138
SPRINT SPECTRUM, L.P.)	
)	
Petition for Declaratory Ruling)	

COMMENTS OF THE CITIZENS OF FLORIDA
IN OPPOSITION TO SPRINT NEXTEL'S PETITION TO PREEMPT
THE ORDER OF THE KANSAS CORPORATION COMMISSION
DATED OCTOBER 2, 2006

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I. INTRODUCTION

On July 10, 2007, the Federal Communications Commission’s (“FCC” or “Commission”) Wireline Competition Bureau requested comments regarding the Petition for Declaratory Order filed by Sprint Spectrum, L.P. (“Sprint”) on June 8, 2007. Sprint has asked the FCC “to issue a declaratory ruling that the rule set forth in the Kansas Corporation Commission’s (“KCC”) October 2, 2006 Order in Docket No. 06-GIMT-446-GIT ... violates federal law” and should be preempted.

II. COMMENTS

The Florida Office of Public Counsel represents the citizens of the state of Florida in proceedings before the Florida Public Service Commission and is authorized to appear before federal agencies in connection with such matters.¹

The citizens of Florida fully support the comments filed by the National Association of State Utility Consumer Advocates (NASUCA) in this proceeding. We agree with the NASUCA's observation that "Sprint has taken an FCC regulation, Section 54.403(b), which was intended to ensure that the Lifeline discount is passed through to benefit the qualifying low income consumers, and interpreted it as a restriction on the scope of Lifeline." As explained in NASUCA's comments, this restrictive interpretation of Section 54.403(b) is both invalid and contrary to the goal of advancing universal service. The Federal Communications Commission should not preempt the efforts of state commissions to advance universal service based on Sprint's improper reading of Commission rule 54.403(b).

The Florida Public Service Commission is currently considering adoption of rules governing the purchase of optional services by Lifeline and Link-Up customers. We believe that low-income customers should be eligible for Lifeline credit for any service or package of services provided by an Eligible Telecommunications Carrier (ETC) that includes basic local exchange telecommunications service capability. In Florida, both BellSouth (AT&T) and Embarq currently provide Lifeline credit for service packages that are available to all customers, and the rule proposal currently pending before the Florida Public Service Commission would apply such policies to all ETC's. The proposal currently

¹ Section 350.0611, Florida Statutes (2006).

under consideration by the Florida Public Service Commission includes the following language:

“The Lifeline service discount shall be applied to the basic local exchange service rate, or the telephone portion of any service offering which combines basic local exchange service with nonbasic service (e.g., a service package combining basic local exchange service with call waiting, call forwarding, and voice mail).”

The experience of the Florida Office of Public Counsel with Lifeline applicants supports the adoption of this rule. In Florida, the Office of Public Counsel certifies the eligibility of customers for Lifeline under an income-based test², and in this capacity the office maintains a toll-free telephone number dedicated to serving potential Lifeline applicants. In a typical month, the office receives several thousand calls regarding Lifeline. In our experience, the policies of companies such as AT&T and Embarq, which allow a customer to choose a package of services and still obtain the benefit of Lifeline service, are well received by customers and help expand universal service. On the other hand, the refusal to offer Lifeline to customers who wish to obtain a package of services is a frequent source of complaints on calls to our toll-free Lifeline telephone number from customers served by carriers refusing to provide Lifeline to customers who wish to

² Section 364.10(3)(a), Florida Statutes (2006).

purchase a package of services. Such policies discourage Lifeline-eligible customers from taking Lifeline service.

For the reasons stated above, the Florida Office of Public Counsel urges the FCC to reject the Petition for Declaratory Order filed by Sprint Spectrum, L.P., on June 8, 2007. Rejection of the petition will allow states to continue adopting policies, such as the one adopted by the Kansas Corporation Commission and the proposal pending at the Florida Public Service Commission, which advance universal service.

Respectfully submitted,

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On behalf of the citizens of Florida